

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P O Box 1450 Alexandria, Virginia 22313-1450 www.asylo.gov

| APPLICATION NO.                                     | FILING DATE    | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|---|----------------|----------------------|-----------------------|------------------|
| 09/494,799  | 01/31/2000     | Rene Roberts         | 2002576-0001          | 3973             |
| 24280 7590 05/14/2009<br>CHOATE, HALL & STEWART LLP |                | EXAMINER             |                       |                  |
| TWO INTERN  | NATIONAL PLACE |                      | WEISBERGER, RICHARD C |                  |
| BOSTON, MA 02110                                    |                |                      | ART UNIT              | PAPER NUMBER     |
|   |                |                      | 3693                  |                  |
|   |                |                      |                       |                  |
|   |                |                      | NOTIFICATION DATE     | DELIVERY MODE    |
|   |                |                      | 05/14/2009            | ELECTRONIC       |

# Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail  $\,$  address(es):

patentdocket@choate.com

## Application No. Applicant(s) 09/494,799 ROBERTS, RENE Office Action Summary Examiner Art Unit Richard C. Weisberger 3693 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 30 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) \_\_\_\_\_ is/are allowed. 6) Claim(s) 30 is/are rejected. 7) Claim(s) \_\_\_\_\_ is/are objected to.

| Ap | plication | n Pa | pers |
|----|-----------|------|------|

|  | specification |  |  |
|--|---------------|--|--|
|  |               |  |  |

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

10) The drawing(s) filed on is/are; a) accepted or b) objected to by the Examiner.

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Applicant may not request that any objection to the drawing(s) be held in abevance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner, Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

| 1.  | Certified copies of the priority documents have been received.                                     |
|-----|--|
| 2.  | Certified copies of the priority documents have been received in Application No                    |
| 3.□ | Copies of the certified copies of the priority documents have been received in this National Stage |
|     | application from the International Bureau (PCT Rule 17.2(a)).                                      |
| -   |  |

See the attached detailed Office action for a list of the certified copies not received.

| Attac | hm | ent | (s |
|-------|----|-----|----|
|       |    |     |    |

 Notice of References Cited (PTO-892)
Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08)

a) All b) Some \* c) None of:

Paper No(s)/Mail Date

4) Interview Summary (PTO-413) Paper No(s)/Mail Date.

5) Notice of Informal Patent Application

6) Other:

Application/Control Number: 09/494,799 Page 2

Art Unit: 3693

### DETAILED ACTION

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 30 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for price source client user identifiers, it does not reasonably provide enablement for non client price source identifiers or price user client identifiers. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims the limitations of clause (B), (C) and (D) comprising a price user data, price user client data and price source data are vaque and indefinite.

The previously presented claim use of price user and price source is at odds with the scope of the current claims. For example what is price user client data?

Accordingly, the terms price user and price source data are vague and indefinite.

Application/Control Number: 09/494,799

Art Unit: 3693

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C. Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571 272 6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Richard C Weisberger/ Primary Examiner, Art Unit 3693

Page 4

Art Unit: 3693